

BOARD OF FORESTRY AND FIRE PROTECTION

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**NOTICE OF DECISION****FOR AMENDMENTS TO THE FOREST PRACTICE RULES****Archeology 2002****DESCRIPTION**

This *Notice of Decision* is pursuant to Title 14, California Code of Regulations section 1145 (14 CCR § 1145), and pertains to the amendments of Forest Practice Rules in Title 14 CCR affecting timber harvesting throughout the State.

The Board of Forestry and Fire Protection amended the following rule section:

Amend:**Section 895.1 Definitions.****Section 929.1 [949.1, 969.1] Plan, and Emergency Notice Preparation.****Section 929.2 [949.2, 969.2] Protection Measures for THPs and Emergency Notices 3 Acres and Larger.****Section 929.3 [949.3, 969.3] Post Review Site Discovery.****Section 929.4, [949.4, 969.4] Archaeological Training Requirements.****Section 929.5, [949.5, 969.5] Site Recording.****Section 1037.5(a) Review Teams to be Establish.****Section 1052(a)(10) Emergency Notice.**

Public Resources Code (PRC) § 4551, 4551.5, 4552 and 4553 authorizes the Board to adopt such rules and regulations as it determines are reasonably necessary to enable it to implement, interpret or make specific sections 4512, 4513, 4582(f) and 4592 of the Public Resources Code. Existing statute 4582(f) of the Public Resources Code (PRC) requires a timber harvest plan contain special provisions to protect any unique area within the area of timber operations. The amendments to these rules are intended to interpret and clarify that statute.

ALTERNATIVES

The Board has considered the following two alternatives:

1. Retain existing regulations without any change.

The adoption of this alternative would not address the public problem and other conditions or circumstances the proposed regulatory action was intended to address as specified in the *Initial Statement of Reasons*.

2. Adopt the regulations as proposed in the 45-Day Notice with consideration given to public and other agency comments.

The adoption of this alternative would allow the Board to adopt modified rules after receiving input on this proposal. Alternative 2 was determined to be the preferred alternative by the Board, and was adopted.

SUMMARY OF POTENTIAL IMPACTS

The Board finds that there are no adverse environmental effects from the proposed action .

FINDINGS REGARDING POTENTIAL SIGNIFICANT ADVERSE ENVIROMENTAL IMPACTS

The Board has not identified any adverse environmental effects from the proposed action. The Board finds that the adoption of the Archaeology rule proposal will not result in significant environmental impacts. The forest practice rules and these rule amendments and adoptions are designed to ensure adequate identification and protection of significant archaeological, cultural, and historical resources during commercial timber operations subject to CDF's review and approval. Other types of environmental resources or issues will not be affected. The Board considered that this regulatory proposal had a key objective of matching the procedural tasks and standards identified in the California Environmental Quality Act (CEQA) to ensure that archaeological, cultural, and historical resources are adequately considered in the development of a project. This proposal ensures that Native American groups and members of the public are given an opportunity to submit comments for CDF's consideration prior to approval of a project that could impact an archaeological, cultural, or historical site. These changes provided necessary support to maintain the THP review process as being a "functional equivalent" to the CEQA EIR process resulting in the same degree of environmental protection.

FINDINGS ON COSTS

The Board finds there are no additional costs to any state agency, any state mandated costs to local agencies of government or school districts that require reimbursement under Part 7, Div. 4 Sec. 17500 GC because of any duties, obligations or responsibilities imposed on state or local or agencies or school districts. This action can be accomplished with no significant additional net cost, or where such costs exist, they are entered into voluntarily.

This order does not create any savings or additional costs of administration for any agency of the United States Government over and above the program appropriations made by Congress.

A. Costs to State Agencies

The Board has determined that this action will not have a net increase in costs to state agencies that have been identified. Presently, RPFs must send a complete copy of the Confidential Archaeological Addenda (CAA) and two copies of completed site records to the appropriate Information Center for permanent filing. CDF will now be doing this task, saving RPFs the cost for every THP.

Since CDF is already reviewing CAA, collating corrected pages, and making copies for THP approval and review, the Department can easily make one additional copy for the Information Center. Since the Department regularly mails reports to the Information Centers no additional will be incurred for the mailing.

B. Local Agencies

The Board has determined that this action will not have a net increase in costs to local government, school districts or other local agencies.

C. Costs to Affected Persons

The Board has determined that this action will not have a net increase in costs to affected persons that have been identified. One of the new rules contained in the proposal {14 CCR Section 929.1[949.1,969.1](b)} will result in increased costs to the regulated public, however, the amendments to 14 CCR Section 929.1 [949.1,969.1](g) will reduce costs to the regulated public. The net result is no increased total costs. As a result of these amended rules, the RPFs will need to send an additional notice to Native Americans when a Native American archaeological or cultural site is located within the logging area for a project. A survey of past projects indicates that 20% of plans contain such sites. The amended rules however will also eliminate the task currently required of RPFs of sending a complete copy of the Confidential Archaeological Addenda (CAA) and two copies of completed site records to the appropriate Information Center for permanent filing. CDF will now be doing this task, saving RPFs the cost for every THP.

D. Costs to Businesses and Small Businesses

The Board has determined that this action will not have a net increase in costs to businesses and small businesses that have been identified. One of the new rules contained in the proposal {14 CCR Section 929.1[949.1,969.1](b)} will result in increased costs to the regulated public, however, the amendments to 14 CCR Section 929.1 [949.1,969.1](g) will reduce costs to the regulated public. The net result is no increased total costs. As a result of these amended rules, the RPFs will need to send an additional notice to Native Americans when a Native American archaeological or cultural site is located within the logging area for a project. A survey of past projects indicates that 20% of plans contain such sites. The amended rules however will also eliminate the task currently required of RPFs of sending a complete copy of the Confidential Archaeological Addenda (CAA) and two copies of completed site records to the appropriate Information Center for permanent filing. CDF will now be doing this task, saving RPFs the cost for every THP.

E. Competitiveness Considerations

The Board has determined that this action will not have a significant impact on the ability of California businesses to compete with businesses in other states.

F. Creation or Elimination of Jobs or Businesses

Adoption of these regulations is not likely to create or eliminate jobs within California.

G. Impacts on Housing

The Board has determined that this action will not have a significant affect housing costs.